

NELSON & FRANKENBERGER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

JAMES J. NELSON
CHARLES D. FRANKENBERGER
JAMES E. SHINAVER
LAWRENCE J. KEMPER
JOHN B. FLATT
FREDRIC LAWRENCE
JAMES A. NICKLOY
CHRISTOPHER A. FERGUSON

3105 EAST 98TH STREET, SUITE 170
INDIANAPOLIS, INDIANA 46280
PHONE: 317-844-0106
FACSIMILE: 317-846-8782

JANE B. MERRILL,
Of Counsel

JON C. DOBOSIEWICZ,
Land Use Professional

Date: March 28, 2011
To: Westfield Plan Commission Members
From: Jon Dobosiewicz, Nelson & Frankenberger
RE: Amended and restated Oak Ridge Pointe PUD

Plan Commission Members,

Please find a summary of the proposed ordinance text amendments and a copy of the proposed ordinance text included with this transmittal.

The applicant, Wilfong Land Companies, LLC, is proposing to amend the text of the Oak Ridge Pointe PUD to, (i) permit buildings with a minimum area of 2,500 square feet (presently 8,000 square feet) on the south side of State Road 32 in Commercial 1 District, (ii) require a fuel canopy setback of 30' further from State Road 32 than the primary building (presently the minimum setback requirement is the same distance as the primary building along State Road 32 and Oak Ridge Road), (iii) permit retail uses not to exceed 5,000 square feet (presently 3,600 square feet) in Commercial 2 District, and (iv) remove a cap on retail square footage within the Commercial 3 District.

The applicant has been asked, and agreed to provide (i) a 30' landscape buffer along State Road 32 (presently 20'), (ii) the construction of a pedestrian path within the revised 30' buffer, (iii) construct a 12' path along oak Ridge Road as requested by the Director of the Parks Department, (iv) additional adjustments to standards addressed in the draft of a proposed State Road 32 Overlay, and (v) a reformatted ordinance, restructured to default to the existing Zoning Ordinance. A complete summary of amendment is attached.

If you have any questions or need any additional information please contact me at 317-844-0106.

Very truly yours,

NELSON & FRANKENBERGER, P.C.

Jon C. Dobosiewicz

Jon C. Dobosiewicz

Summary of Amendments

The Oak Ridge Point PUD has been amended as follows:

1. A minimum building size of 2,500 square feet in ORP – Commercial 1 district (presently 8,000 square feet).
2. ORP – Commercial 2 District is amended to permit retail uses not to exceed 5,000 square feet of floor area within the district (presently 3,600 square feet).
3. ORP – Commercial 2 District is amended to require fuel canopy structures constructed over fuel pump islands to be setback 30' further from State Road 32 than the setback of the primary building and permitted between the building and Oak Ridge Road.
4. Removed the maximum permitted retail use limitation from the ORP – Commercial District 3 (presently limited to 10,600 square feet).
5. The required minimum building setback in all districts from State Road 32 has been revised from 60' to 30'.
6. A pedestrian path is now required within the buffer yard along the State Road 32 right-of-way (presently required within the right of way).
7. The buffer yard along State Road 32 for all districts shall have a minimum width of 30' (presently 20' in width is required).
8. The minimum building height for building adjacent to State Road 32 has been increased from fourteen (14) feet to eighteen (18) feet. Buildings with a flat roof shall not be required to meet this height as long as such buildings include a parapet wall on all sides which extends to a minimum height of eighteen (18) feet.
9. A standard was added requiring loading berths to be oriented in a manner such that they are not visible from State Road 32 with the exception of an automobile fuel sales use.
10. The required minimum path width along Oak Ridge Road has been increased to twelve (12) feet to accommodate the Monon Loop.
11. Modifications to the corridor planting requirement along SR 32 have been made to match the proposed State Road 32 Overlay standards.
12. Development Plan and Secondary Plat review and approval has been delegated to the Director.

In addition to the items above much of the text of the ordinance has been removed as the standards were the same as those required in the Zoning Ordinance and now default automatically to the Zoning Ordinance.